

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

V.

CRIMINAL CASE  
NO. 04-10149 RWZ

JOSE LUIS CRUZ

Defendant

REPORT & ORDER ON  
INITIAL & INTERIM STATUS CONFERENCE

ALEXANDER, U.S.M.J.

On June 22, 2004, the parties appeared before this Court for an Initial Status Conference and on July , 2004, the parties appeared before this Court for a Interim Status Conference. Upon motion of the parties the Final Status Conference scheduled for September 14, 2004, was converted to a second interim Status Conference. With regard to the following issues, the parties have represented that:

1. There are no unusual or complex issues presented requiring an early joint conference of the District Judge or the Magistrate Judge with the attorneys;
2. There are no features of the case that may deserve special attention or modification of the standard schedule;
3. There is anticipated supplemental discovery;
4. Discovery concerning any expert witnesses, pursuant to Fed. R. Crim. P. 16 (a)(1)(E) & 16(b)(1)(C) will be provided by the government forty-five (45) days prior to trial and fifteen (15) days prior to trial as to the defendant;
5. The applicable periods of excludable delay under the Speedy Trial Act include: May 14, 2004, through June 11, 2004 (28 days); June 22, 2004, through July 14, 2004 (22 days); July 14, 2004, through September 14, 2004 (62 days) and September 14, 2004, through October 12, 2004 (28 days), for a total of one hundred and forty (140) days as of October 12, 2004. The time period from June 11, 2004, through June 22, 2004 (11 days) has not been excluded. **Upon (oral) motion of the parties and by ORDER of the Court, the government and defense will file a joint motion for any applicable periods of excludable delay for June 22, 2004, through July 14, 2004 (22 days); July 14, 2004, through September 14, 2004 (62 days) and September 14, 2004, through October 12,**

**2004 (28 days).** The total amount of time to proceed to trial is fifty-nine (59) days as of October 12, 2004;

6. Trial is uncertain at this time. If a trial becomes necessary, then the estimated duration of a trial is four (4) days;

7. Other matters: the motion for order of excludable delay is to be filed prior to the final status conference

IT IS HEREBY ORDERED THAT

A motion date pursuant to Fed. R. Crim. P. 12 (c) has been established. The defendant is to file all dispositive motions on or before September 19, 2004, and the government's response is due October 15, 2004. A **Final Status Conference** is scheduled at **2:15 p.m. on October 12, 2004**, in Courtroom 24, 7<sup>th</sup> floor.

**Pursuant to LR 116.5 (C), parties shall confer and, not later than three (3) business days before the Final status Conference, prepare and file a joint Final Status Conference Memorandum.**

HONORABLE JOYCE LONDON ALEXANDER  
U.S. MAGISTRATE JUDGE

By the Court:

September 29, 2004  
Date

/S/ Rex Brown  
Courtroom Clerk  
(617) 748-9238